

**Attorney's Docket No. YORK.US.2**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Koch, et al.  
Serial No.: 10/710,845  
Confirmation No.: 4844  
Filed: 08/06/2004  
For: COMBINATION FLASHING AND  
DRAINAGE SYSTEM

] Examiner: Anthony N. Bartosik  
]  
] Group Art Unit: 3635  
]  
]

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**DECLARATION TRAVERSING REJECTION  
37 CFR 1.132**

To the Commissioner for Patents:

I, Derek Tresnak, being duly sworn, declare as follows:

1. That I am the President of Cyberdyne Masonry Corp., a commercial-industrial masonry contracting firm that has a place of business at 2808 Sun Valley Road, Lisle, IL 60532.
2. That I have been in the business of masonry contracting for 11 years, and my education, training, and experience in masonry consists of being a commercial contractor for over a decade and must evaluate products like flashings everyday. In my current position as President and CEO of Cyberdyne Masonry, I am tasked with

evaluating and choosing the best solutions for our customers. This decade of research is the basis for my claim to be an expert in this field.

3. That, on account of my position, education, and experience, I consider myself to be an expert in the field of masonry flashing.

4. That I am familiar with the claimed invention, namely, a combination through-wall masonry flashing / drainage device comprising a flashing membrane, the flashing membrane having a first side and a second side opposite the first side; a reinforcing cloth adhered to the flashing membrane first side; and a wicking cloth adhered to the flashing membrane second side, hereinafter referred to as FLASHVENT™.

5. That upon learning about FLASHVENT I was skeptical that it would work as claimed.

6. That the first project we used FLASHVENT on was the Herget Middle School in Aurora, Illinois, in March of 2004.

7. That the one-piece system was very easy to work with and reduced our installation time by 60% over the competitive products.

8. That I look forward to seeing FLASHVENT broadly specified and that I suggest it to architects at every opportunity.

9. That I have no financial interest in this patent application or in the assignee York Manufacturing except as a paying customer.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



Derek Tresnak

Date: February 7, 2008